



# **The Florida House of Representatives**

## **Office of the Speaker**

**Dean Cannon**  
**Speaker**

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## **Comprehensive Legislation to Modernize Florida's Court System Passes Florida House**

*Proposed constitutional amendment could provide additional court funding*

**Tallahassee, Fla.** – House Joint Resolution (HJR) 7111 and House Bills (HB) 7199 and 7101 today passed the Florida House of Representatives. Collectively, these bills aim to modernize the judicial branch and improve the efficiency of the administration of justice in the Florida court system.

“I commend the work of Chairmen Eisnaugle and Snyder, Representatives Gaetz, Harrison, Hager, McBurney, Metz and all of the lawmakers who worked diligently on the various court reform proposals that were introduced this session,” said House Speaker Dean Cannon (R-Winter Park).

“As the policymaking branch of the government, the Legislature has the responsibility to take a look at what is working in our state, and to correct or improve what is not working,” added Speaker Cannon. “The current court system suffers from significant structural and financial problems, and the thoughtful proposals passed today by the Florida House will give voters the chance to address these issues and to support reforms that will enable the judiciary to be more responsive and better equipped to meet the needs of today’s Florida.”

HJR 7111 expands the number of justices on the Florida Supreme Court from seven to ten, with five justices permanently assigned to a civil division and five justices permanently assigned to a criminal division. The governor appoints a Chief Justice for each division, with the overall administrative responsibilities for the judicial branch in the position of Chief Justice of the

Supreme Court of Florida rotating between the chief justices of the civil and criminal divisions on a four-year basis. The legislation provides for Senate confirmation of Supreme Court justices. A judicial appointment would become automatic if the Senate failed to vote on the nomination within 90 days.

“Currently, post-conviction appeals cases account for only about 12 percent of the Florida Supreme Court’s caseload, but have been cited to account for 50 percent of their workload\*,” said Representative Eric Eisnaugle (R-Orlando), sponsor of HJR 7111 and HB 7199. “By creating two divisions in the Supreme Court, and capitalizing on the expertise of justices who have a singular focus on either the field of criminal or civil law, cases will be resolved in a more timely manner. Additionally, specialization will lead to more accurate resolutions of appeals cases.”

HJR 7111 expands the ability of each division of the Supreme Court to consider appeals by removing the jurisdictional prerequisite that an express and direct conflict exist between the District Courts of Appeal or the Supreme Court on the same question of law. The bill further provides the Florida House of Representatives with meaningful access to the files and records of the Judicial Qualifications Commission but maintains the confidentiality of those records unless the House initiates an impeachment proceeding. The bill allows the Legislature to repeal a court rule by general law that expresses the policy behind the repeal and allows the court to readopt the rule in conformance with the expressed policy. The bill also provides a minimum appropriation for the courts from all revenue sources equal to 2.25 percent of General Revenue (fiscal year 2010-11 funding from all revenue sources equals 1.94 percent of General Revenue).

“This proposal also addresses the charge that the judicial branch is underfunded and judicial dockets are overcrowded by providing a stable minimum appropriation from all sources equal to 2.25 percent of General Revenue every year,” said Representative Eisnaugle. “Furthermore, the amendment will remove a jurisdictional prerequisite, giving extra flexibility for the Supreme Court to hear cases of great public importance.

HB 7101 provides that all members of each Judicial Nominating Commission (JNC) are appointed by the governor and to a term concurrent with the term of the governor. The bill terminates the terms of all current members of the JNC, but allows for the reappointment of those members at the governor’s discretion. The bill reduces the size of each JNC from nine members to seven and allows the governor to appoint a new member to a JNC if a commission member is unable to complete his or her term.

“This proposal makes the governor, who is directly answerable to the citizens of Florida, the sole individual responsible for the nomination and appointment of members to the Judicial Nominating Commissions,” said Representative Matt Gaetz (R-Fort Walton Beach), sponsor of HB 7101. “By instituting a system by which the governor is ultimately responsible for all components of the judicial nomination and appointment process, accountability will be injected into the selection of our states’ judicial branch.”

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*\*What About the Death Penalty*, Florida Bar News, December 15, 2008